

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

VINCENT TOLENTINO,	:	CIVIL ACTION NO. 3:19-CV-1363
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
DR. XUE, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 2nd day of September, 2021, upon consideration of the motion (Doc. 123) for judgment on the pleadings by defendants Xue and Cousins, and the moving defendants' brief in support of said motion, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motion (Doc. 123) for judgment on the pleadings is GRANTED. Defendants Xue and Cousins are granted judgment on the pleadings.
2. Plaintiff's claims against defendants Flasher and Price are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. Plaintiff may file a third amended complaint on or before **October 2, 2021** to cure the deficiencies in the claims against defendants Flasher and Price identified in the court's memorandum opinion. Any amended complaint filed pursuant to this order shall be filed to the same docket number as the instant action, shall be entitled "Amended Complaint," and shall be complete in all respects. It shall be a new pleading that stands by itself as an adequate complaint under the Federal Rules of Civil Procedure.

4. In the absence of a timely filed amended complaint, the above-captioned action shall proceed against defendant Baldauf only.
5. In light of the foregoing, the deadline for all dispositive motions is *sua sponte* EXTENDED to November 30, 2021.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania